

EXHIBIT 2

-----Original Message-----

From: Gindler, David [mailto:DGindler@irell.com]

Sent: Sunday, September 19, 2004 9:05 PM

To: Laporte, Claire; sazalesin@pbwt.com; Vicki Norton Esq.; Adrian Pruetz Esq.; Levy, Carla; Ware, Donald; Eileen Herlihy Esq.; Zei, Eva; Kirke M. Hasson Esq.; Leora Ben-Ami Esq.; Mark A. Pals Esq.; Melissa Mandrgoc Esq.; Patricia Carson Esq.; Robert Stone Esq.

Cc: wbarsky@gibsondunn.com; Wayne Barsky

Subject: RE: Letter from David Gindler

Claire, we can talk about dates, but I really don't see how we're going to be able to take any depositions before September 27. As I've said, our lawyers and our expert will need time to study plaintiffs' four expert reports. Moreover, I don't want to make multiple out of town journeys to different locations, which may not be inconvenient for each plaintiff (who only has to worry about its expert), but which is unfair and burdensome to Columbia. I also don't quite agree that we need to accommodate the schedules of expert witnesses; with paid experts, I think it should be the other way around.

Please keep in mind that, if you're going to take the position that a deposition can't take place on a certain date, you're going to need to say a lot more than just that the witness is "not available."

-----Original Message-----

From: Laporte, Claire [mailto:CLaporte@Foleyhoag.com]

Sent: Sunday, September 19, 2004 11:24 AM

To: Gindler, David; sazalesin@pbwt.com; Vicki Norton Esq.; Adrian Pruetz Esq.; Levy, Carla; Ware, Donald; Eileen Herlihy Esq.; Zei, Eva; Kirke M. Hasson Esq.; Leora Ben-Ami Esq.; Mark A. Pals Esq.; Melissa Mandrgoc Esq.; Patricia Carson Esq.; Robert Stone Esq.

Cc: wbarsky@gibsondunn.com

Subject: RE: Letter from David Gindler

David: Plaintiffs will respond more formally as soon as we can. In the meantime, please be advised that Dr. Lodish is not available on the date you suggest for his deposition.

Further, the notion that we would take no depositions during the first week of a two-week deposition period makes no sense. We need to accommodate the schedules of our experts, who, for the most part, have other work commitments.

-- Claire Laporte

-----Original Message-----

From: Gindler, David [mailto:DGindler@irell.com]

Sent: Sunday, September 19, 2004 2:12 PM

To: sazalesin@pbwt.com; Laporte, Claire; Vicki Norton Esq.; Adrian Pruetz Esq.; Levy, Carla; Ware, Donald; Eileen Herlihy Esq.; Zei, Eva; Kirke M. Hasson Esq.; Leora Ben-Ami Esq.; Mark A. Pals Esq.; Melissa Mandrgoc Esq.;

Patricia Carson Esq.; Robert Stone Esq.
Cc: wbarsky@gibsondunn.com
Subject: Letter from David Gindler

"MMS <irell.com>" made the following
annotations on 09/19/2004 11:12:07 AM

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"MMS <irell.com>" made the following
annotations on 09/19/2004 06:05:07 PM

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